

# House Amendment 1593

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1 1 Amend House File 807 as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 <DIVISION I  
1 5 INCOME TAX CHANGES>  
1 6 #2. Page 7, line 18, by inserting after the word  
1 7 <This> the following: <division of this>.  
1 8 #3. Page 7, by inserting before line 21 the  
1 9 following:  
1 10 <DIVISION II  
1 11 PROPERTY TAXES  
1 12 Sec. \_\_\_\_\_. NEW SECTION. 425B.1 HOMESTEAD PROPERTY  
1 13 TAX ADJUSTMENT.  
1 14 Persons who own their homesteads and who meet the  
1 15 qualifications provided in this chapter are eligible  
1 16 for an adjustment in the amount of property taxes due  
1 17 and payable on their homesteads, as provided in this  
1 18 chapter.  
1 19 Sec. \_\_\_\_\_. NEW SECTION. 425B.2 DEFINITIONS.  
1 20 As used in this chapter, unless the context  
1 21 otherwise requires:  
1 22 1. "Base year" means the calendar year last ending  
1 23 before the claim for adjustment is filed.  
1 24 2. "Claimant" means a person filing a claim for  
1 25 adjustment under this chapter who has attained the age  
1 26 of sixty-five years on or before December 31 of the  
1 27 base year and is domiciled in this state at the time  
1 28 the claim is filed or at the time of the person's  
1 29 death in the case of a claim filed by the executor or  
1 30 administrator of the claimant's estate.  
1 31 3. "Homestead" means the dwelling owned and  
1 32 actually used as a home by the claimant during any  
1 33 part of the fiscal year beginning July 1 of the base  
1 34 year, and so much of the land surrounding it including  
1 35 one or more contiguous lots or tracts of land, as is  
1 36 reasonably necessary for use of the dwelling as a  
1 37 home, and may consist of a part of a multidwelling or  
1 38 multipurpose building and a part of the land upon  
1 39 which it is built. It does not include personal  
1 40 property except that a manufactured or mobile home may  
1 41 be a homestead. Any dwelling or a part of a  
1 42 multidwelling or multipurpose building which is exempt  
1 43 from taxation does not qualify as a homestead under  
1 44 this chapter. A homestead must be located in this  
1 45 state. When a person is confined in a nursing home,  
1 46 extended-care facility, or hospital, the person shall  
1 47 be considered as occupying or living in the person's  
1 48 homestead if the person is the owner of the homestead  
1 49 and the person maintains the homestead and does not  
1 50 lease, rent, or otherwise receive profits from other  
2 1 persons for the use of the homestead.  
2 2 4. "Owned" means owned by an owner as defined in  
2 3 section 425.11.  
2 4 Sec. \_\_\_\_\_. NEW SECTION. 425B.3 QUALIFYING FOR  
2 5 ADJUSTMENT == FILING OF CLAIM.  
2 6 1. A person who wishes to qualify for the property  
2 7 tax adjustment allowed under this chapter shall obtain  
2 8 the appropriate forms for filing for the adjustment  
2 9 from the county auditor or county treasurer. The  
2 10 person claiming the adjustment shall file a verified  
2 11 statement and designation of homestead with the county  
2 12 auditor for the year for which the person is first  
2 13 claiming the adjustment. The claim shall be filed not  
2 14 later than July 1 of the year for which the person is  
2 15 claiming the adjustment. A claim filed after July 1  
2 16 of the year for which the person is claiming the  
2 17 adjustment shall be considered as a claim filed for  
2 18 the following year.  
2 19 2. Upon the filing and allowance of the claim, the  
2 20 claim shall be allowed on that homestead for  
2 21 successive years without further filing as long as the  
2 22 property is legally or equitably owned and used as a  
2 23 homestead by that person or that person's spouse on  
2 24 July 1 of each of those successive years, and the

2 25 owner of the property being claimed as a homestead  
2 26 declares residency in Iowa for purposes of income  
2 27 taxation, and the property is occupied by that person  
2 28 or that person's spouse for at least six months in  
2 29 each of those calendar years in which the fiscal year  
2 30 begins. When the property is sold or transferred, the  
2 31 buyer or transferee who wishes to qualify shall refile  
2 32 for the adjustment. An owner who ceases to use a  
2 33 property for a homestead or intends not to use it as a  
2 34 homestead for at least six months in a calendar year  
2 35 shall provide written notice to the county assessor by  
2 36 July 1 following the date on which the use is changed.  
2 37 A person who sells or transfers a homestead or the  
2 38 personal representative of a deceased person who had a  
2 39 homestead at the time of death, shall provide written  
2 40 notice to the county auditor that the property is no  
2 41 longer the homestead of the former claimant.

2 42 3. The right to file a claim for a property tax  
2 43 adjustment under this chapter may be exercised by the  
2 44 claimant or on behalf of a claimant by the claimant's  
2 45 legal guardian, spouse, or attorney, or by the  
2 46 executor or administrator of the claimant's estate.  
2 47 If a claimant dies after having filed a claim for  
2 48 adjustment, the amount of any adjustment shall be made  
2 49 as if the claimant had not died.

2 50 4. A person shall not make a claim for adjustment  
3 1 in more than one county or for more than one dwelling  
3 2 in the same county.

3 3 Sec. \_\_\_\_\_. NEW SECTION. 425B.4 VERIFICATION OF  
3 4 CLAIMS.

3 5 The county auditor shall retain a permanent file of  
3 6 current property tax adjustment claims filed in the  
3 7 auditor's office. The county auditor shall file a  
3 8 notice of transfer of property for which a claim is  
3 9 filed when notice is received from the office of the  
3 10 county recorder.

3 11 The county recorder shall give notice to the county  
3 12 auditor of each transfer of title filed in the county  
3 13 recorder's office. The notice shall describe the  
3 14 property transferred, the name of the person  
3 15 transferring the title to the property, and the name  
3 16 of the person to whom title to the property has been  
3 17 transferred.

3 18 Not later than July 6 of each year, the county  
3 19 auditor shall remit the statements and designation of  
3 20 homesteads to the board of supervisors with the county  
3 21 auditor's recommendation for allowance or  
3 22 disallowance. If the county auditor recommends  
3 23 disallowance of a claim, the county auditor shall  
3 24 submit the reasons for the recommendation, in writing,  
3 25 to the board of supervisors.

3 26 The board shall allow or disallow the claims. If  
3 27 the board disallows a claim, the board shall send  
3 28 written notice, by mail, to the claimant at the  
3 29 claimant's last known address. The notice shall state  
3 30 the reasons for disallowing the claim for the property  
3 31 tax adjustment. The board is not required to send  
3 32 notice that a claim is disallowed if the claimant  
3 33 voluntarily withdraws the claim.

3 34 Sec. \_\_\_\_\_. NEW SECTION. 425B.5 ADJUSTMENT OF TAX  
3 35 DOLLARS LEVIED == CREDIT ALLOWED.

3 36 1. a. The adjustment allowed under this chapter  
3 37 shall be the amount computed in this section.

3 38 b. The county auditor shall determine the lesser  
3 39 of the following:

3 40 (1) The product of the taxes due and payable on  
3 41 the homestead in the previous fiscal year, excluding  
3 42 any adjustment made under paragraph "c" for the  
3 43 previous fiscal year, times one and two hundredths.

3 44 (2) The taxes due and payable by the claimant in  
3 45 the current fiscal year.

3 46 c. If the lesser amount is the amount computed in  
3 47 paragraph "b", subparagraph (1), the difference  
3 48 between the amount in paragraph "b", subparagraph (2)  
3 49 and the amount in paragraph "b", subparagraph (1),  
3 50 shall be the amount of the property tax adjustment for  
4 1 the current fiscal year.

4 2 2. The amount of the property tax adjustment shall  
4 3 appear as a credit on the claimant's property tax  
4 4 statement for the current fiscal year.

4 5 Sec. \_\_\_\_\_. NEW SECTION. 425B.6 ADMINISTRATION.

4 6 The director of revenue shall make available  
4 7 suitable forms for claiming property tax adjustments  
4 8 with instructions for claimants. Each county auditor  
4 9 and county treasurer shall make available the forms  
4 10 and instructions. The claim shall be in a form as the  
4 11 director may prescribe.

4 12 Sec. \_\_\_\_ NEW SECTION. 425B.7 PROOF OF CLAIM.  
4 13 1. In addition to the filing requirements in  
4 14 section 425B.3, subsection 1, every claimant shall  
4 15 give the county auditor, in support of the claim,  
4 16 reasonable proof of:  
4 17 a. Age.  
4 18 b. Changes of homestead.  
4 19 c. Household membership.  
4 20 d. Size and nature of the property claimed as the  
4 21 homestead.

4 22 2. The county auditor may require any additional  
4 23 proof necessary to support a claim.

4 24 Sec. \_\_\_\_ NEW SECTION. 425B.8 AUDIT == DENIAL.  
4 25 If on the audit of a claim for adjustment under  
4 26 this chapter, the director of revenue determines the  
4 27 claim is not allowable, the director shall notify the  
4 28 claimant of the denial and the reasons for it. The  
4 29 director shall not deny a claim after three years from  
4 30 October 31 of the year in which the claim was filed.  
4 31 The director shall give notification to the county  
4 32 auditor of the denial of the claim and the county  
4 33 auditor shall instruct the county treasurer to proceed  
4 34 to collect the tax that would have been levied in the  
4 35 same manner as other property taxes due and payable  
4 36 are collected, if the property on which the adjustment  
4 37 was granted is still owned by the claimant.

4 38 Sec. \_\_\_\_ NEW SECTION. 425B.9 FALSE CLAIM ==  
4 39 PENALTY.  
4 40 A person who makes a false affidavit for the  
4 41 purpose of obtaining an adjustment in property taxes  
4 42 provided for in this chapter or who knowingly receives  
4 43 the adjustment without being legally entitled to it or  
4 44 makes claim for the adjustment in more than one county  
4 45 in the state without being legally entitled to it is  
4 46 guilty of a fraudulent practice. The claim for  
4 47 adjustment shall be disallowed in full and property  
4 48 tax shall be levied in the amount that would have been  
4 49 levied but for the adjustment. The director of  
4 50 revenue shall send a notice of disallowance of the  
5 1 claim.

5 2 Sec. \_\_\_\_ NEW SECTION. 425B.10 STATUTES  
5 3 APPLICABLE.  
5 4 To the extent not otherwise contrary, the  
5 5 provisions of sections 425.30, 425.31, 425.32, and  
5 6 425.37 apply to this chapter.

5 7 Sec. \_\_\_\_ STATE FUNDING OF TAX CREDITS AND  
5 8 EXEMPTIONS == INAPPLICABILITY. The provisions in  
5 9 section 25B.7, relating to the obligation of the state  
5 10 to reimburse local jurisdictions for property tax  
5 11 credits and exemptions, do not apply to chapter 425B,  
5 12 as enacted in this division of this Act.

5 13 Sec. \_\_\_\_ APPLICABILITY. This division of this  
5 14 Act applies to property taxes due and payable in the  
5 15 fiscal year beginning July 1, 2010, and all subsequent  
5 16 fiscal years.>

5 17 #4. Title page, by striking lines 1 through 7 and  
5 18 inserting the following: <An Act relating to taxes by  
5 19 providing for changes to the individual income tax  
5 20 rates, deductions, and credits and by providing for  
5 21 property tax limitations for certain elderly persons,  
5 22 providing a penalty, and including retroactive date  
5 23 and other applicability date provisions.>

5 24 #5. By renumbering as necessary.  
5 25  
5 26  
5 27  
5 28 MAY of Dickinson  
5 29 HF 807.714 83  
5 30 tw/sc/23803